



# *The University of Oklahoma*

GRADUATE COLLEGE  
VICE PRESIDENT FOR RESEARCH

October 12, 2005

Ms. Amy Williams  
Defense Acquisition Regulations Council  
OUSD (AT&L) DPAP (DAR)  
IMD 3C132  
30621 Defense Pentagon  
Washington, D.C. 20301-0350

Dear Ms. Williams:

This letter provides comments from the University of Oklahoma-Norman on the proposal to amend the Defense Federal Acquisition Regulation Supplement (DFARS), published in the Federal Register on July 12, 2005 (DFARS Case 2004—D010), containing a new DFARS Subpart 204.73, "Export-Controlled Information and Technology at Contractor, University, and Federally Funded Research and Development Center Facilities," and an associated contract clause (DFARS Part 252.204—70XX).

Created by the Oklahoma Territorial Legislature in 1890, the University of Oklahoma is a doctoral degree-granting research university serving the educational, cultural, economic and health care needs of the state, region and nation. The Norman campus serves as home to all of the university's academic programs except health-related fields and also offers programs at the Schusterman Center, the site of OU-Tulsa. The university's annual operating budget is more than \$1 billion. The University of Oklahoma is an equal opportunity institution.

We believe the clause is unnecessary as compliance with export controls is mandated by law. We fear the clause will be inserted by contracting officers in contracts as a matter of practice which could lead to protracted contract negotiations, an erosion of the fundamental research exemption and a strong possibility of universities' inability to conduct DoD contracted fundamental research. We also find the clause too prescriptive.

Significant resources have been invested on our campus in export controls compliance. The University has aggressively sought to raise awareness of the regulations on the Norman campus, having briefed not only research faculty, staff and students, but administrative officers and deans. We will remain dedicated to ensuring compliance.

The University is an active member institution of the Council on Governmental Relations (COGR) and a representative of the University has participated in the development of the COGR response. The University fully supports the COGR position and urges the Department of Defense to carefully consider the recommendations in the letter and revised markup submitted by COGR.

The University of Oklahoma-Norman Campus appreciates the opportunity to offer comments and will continue to do our part to ensure the national security of our nation. We commend the Department of Defense for seeking public comments in advance of any proposed rulemaking and trust our concerns and those expressed by COGR will receive full consideration in any changes to the regulations. Should you have any questions regarding this response, please contact Dr. Susan Wyatt Sedwick, Associate Vice President for Research at [sedwick@ou.edu](mailto:sedwick@ou.edu).

Sincerely,

T.H. Lee Williams  
Vice President for Research and  
Dean, Graduate College  
University of Oklahoma-Norman